

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 113 be amended to read as follows:

- 1 Page 5, line 34, delete "section." and insert "**section unless the**
2 **Medicaid program has been credited for the product cost of the**
3 **drug as provided in policies under the Medicaid program.**".
4 Page 6, delete lines 6 through 32, begin a new paragraph and insert:
5 "**Sec. 6. (a) The following are not subject to liability under**
6 **IC 34-20-2-1:**
7 **(1) A person or entity who donates a drug to a regional drug**
8 **repository program under this chapter in accordance with**
9 **rules adopted by the board under section 7 of this chapter.**
10 **(2) A non-profit health clinic or practitioner who accepts or**
11 **dispenses a drug under the regional drug repository**
12 **program in accordance with rules adopted by the board**
13 **under section 7 of this chapter.**
14 **(3) A regional drug repository that distributes a drug under**
15 **the program in accordance with rules adopted by the board**
16 **under section 7 of this chapter.**
17 **(b) Except in cases of negligence or willful misconduct by the**
18 **manufacturer, a drug manufacturer is not subject to liability**
19 **under IC 34-20-2-1 for a claim arising from a drug that is donated,**
20 **accepted, or dispensed under this chapter to the user or the**
21 **consumer.**".

(Reference is to SB 113 as printed January 23, 2004.)

Senator DILLON